MYSORE ACT No. XXIII OF 1942.

THE ESSENTIAL SERVICES (MAINTENANCE) ACT, 1942.

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MYSORE ACT No. XXIII OF 1942.

THE ESSENTIAL SERVICES (MAINTENANCE) ACT, 1942.

(AS AMENDED BY ACT XXV OF 1943.)

(Received the assent of His Highness the Maharaja on the seventh day of July 1942.)

WHEREAS it is expedient to make provision for the maintenance of certain essential services; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Essential Services (Maintenance) Act, 1942.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once.

Interpretation.

2. In this Act unless there is anything repugnant in the subject or context, "employment" includes employment of any nature and whether paid or unpaid.

Employment to which this Ordinance[2] applies.

3. This Act shall apply to all employment under the Government and to any employment or class of employment which the Government, being of opinion that such employment or class of employment is essential for securing the defence of India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies or services necessary to the life of the community, may, by notification in the official Gazette, declare to be an employment or class of employment to which this Act applies.

Power to order persons engaged in certain employments to remain in specified areas.

4. (1) In respect of any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies, the Government making the declaration, or an officer authorised in this behalf by that Government may, by

1. See the Mysore Adaptation of Laws Order, 1958.
2. *Sic.* should be "Act". Reference to Act has not been made by inadvertence.

general or special order, direct that any person or persons engaged in such employment shall not depart out of such area or areas as may be specified in such order.

(2) An order made under sub-section (1) shall be published in such manner as the Government or officer making the order considers best calculated to bring it to the notice of the persons affected by the order.

Offences.

5. Any person engaged in any employment or class of employment to which this Act applies who—

(*a*) disobeys any lawful order given to him in the course of such employment, or

(*b*) without reasonable excuse abandons such employment or absents himself from work, or

(*c*) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the authority making that order,

and any employer of a person engaged in an employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies, who without reasonable cause—

(*i*) discontinues the employment of such person, or

(*ii*) by closing an establishment in which such person is engaged, causes the discontinuance of his employment, is guilty of an offence under this Act.

[1][*Explanation* 1.—The fact that a person apprehends that by continuing in his employment he will be exposed to increased physical danger was not a reasonable excuse within the meaning of clause (*b*).

Explanation 2.—A person abandons his employment within the meaning of clause (*b*) who, notwithstanding that it is an express or implied term of his contract of employment that he may terminate his employment on giving notice to his employer of his intention to do so, so terminates his employment without the previous consent of his employer.]

1. Explanations 1 and 2 added by Act XXV of 1943.

Regulation of wages and conditions of service.

6. (1) The Government may make rules regulating or empowering a specified authority to regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies.

(2) When any such rules have been made or when any directions regulating wages or conditions of service have been given by an authority empowered by such rules to give them, any person failing to comply therewith is guilty of an offence under this Act.

Penalties and procedure.

7. (1) Any person found guilty of an offence under this Act shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

(2) Where the person accused of an offence under this Act is a company or other body corporate, every director, manager, secretary or other officer thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No Court shall take cognizance of any offence under this Act, except upon complaint in writing made by the Government or by a person authorised in this behalf by the Government.

[1][(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, an offence under this Act shall be cognizable.]

Bar of legal proceedings.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Effect of orders, rules, etc., made under this Act.

[2][**9.** Nothing contained in this Act or in any declaration or order made thereunder shall have effect in derogation of any provision of law for the time being in force imposing upon a person engaged in an employment or

1. Sub-section 4 added by Act XXV of 1943.
2. Section 9 substituted by Act XXV of 1943.

class of employment to which this Act applies any liability to be called up for national service or to undertake employment in the national service.]

Repeal and savings.

10. The Essential Services (Maintenance) (Emergency) Act, 1942 (XXVI of 1942), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken, in exercise of powers conferred by or under this Act, as if this Act had commenced on the 20th day of February 1942.